

RESOLUTION 15-___

ADOPTING THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE AND OTHER RELATED CODES INCLUDING ADDENDUMS AND EDITS AS SET FORTH IN EXHIBIT A

WHEREAS, A.R.S. § 11-861 gives the County Board of Supervisors the authority to adopt and enforce a building code and other related codes to regulate the quality, type of material and workmanship of all aspects of construction of buildings or structures; and

WHEREAS, Cochise County has adopted a Building Safety Code, as permitted by law, known as the Cochise County Building Safety Code, which incorporates various building, plumbing, electrical, fire, mechanical and energy conservation codes and which is now applicable throughout the County; and

WHEREAS, the Board of Supervisors desires to update the Cochise County Building Safety Code by removing the 2003 versions of the International Building Code, as amended; the International Residential Building Code, as amended; the International Mechanical Code, as amended; the International Energy Conservation Code, as amended; the International Existing Building Code, as amended; the International Fuel Gas Code, as amended; the 2005 National Electrical Code, as amended; the 2005 International Electric Code, as amended; the 2003 International Fire Code, as amended and the 2006 International Plumbing Code, as amended; as currently adopted by the County and adopting the 2012 versions of the International Building Code, as amended; the International Residential Building Code, as amended; the International Mechanical Code, as amended; the International Energy Conservation Code, as amended; the International Existing Building Code, as amended; the International Fire Code, as amended; the International Fuel Gas Code, as amended; the National Fire Protection Association (NFPA) 70 – National Electrical Code, 2011 Edition, as amended; and the International Plumbing Code, as amended; and

WHEREAS, the Board of Supervisors encourages the use of appropriate, alternative construction methods such as strawbale and rammed earth; the Building Official has the authority to approve alternative construction standards as provided for in applicable sections of these codes; and the Building Official has acceptable guidelines for alternative construction standards that will be made available to applicants, so that the adoption of these Codes will not unduly restrict the use of these alternative building methods; and

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WHEREAS, the proposed action was heard in a Public Hearing before the Building Code Advisory and Appeals Board on September 9, 2014, who unanimously recommended approval of this Resolution,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Cochise County Board of Supervisors as follows:

Section 1: The Cochise County Board of Supervisors hereby adopts the 2012 versions of the International Building Code, as amended; the International Residential Building Code, as amended; the International Mechanical Code, as amended; the International Energy Conservation Code, as amended; the International Existing Building Code, as amended; the International Fire Code, as amended; the International Fuel Gas Code, as amended; the National Fire Protection Association (NFPA) 70 – National Electrical Code, 2011 Edition, as amended; and the International Plumbing Code, as amended; with said Codes modified as specified in Attachment A. At least three copies of each code shall be maintained on file in the office of the clerk of the board, as required by applicable law.

Section 2: All prior versions of the Cochise County Building Safety Code are hereby rescinded.

Section 3: The Cochise County Building Safety Code, as hereby adopted, shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, and maintenance of all structures situated within the designated areas of Cochise County, as specified by the Cochise County Board of Supervisors on August 27, 1984, and as thereafter amended, which include all existing building code enforcement areas throughout the County.

Section 4: Should any section, subsection, sentence, clause, phrase or portion of this resolution or previously adopted and effective ordinances or resolutions be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of this resolution are declared to be severable. All

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resolutions or ordinances and parts of resolutions or ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5: The penalties for any violations of these Codes are as follows:

It shall be unlawful for a person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, or occupy and building, structure or equipment regulated by these Codes, or cause same to be done, in conflict with or in violation of any provisions of these Codes.

Any person found guilty of violating any of the provisions of these Codes, except as otherwise provided, shall be guilty of a class two misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the amount of a fine for a Class 2 misdemeanor, which as of the date of this Resolution is seven hundred fifty dollars (\$750), or by imprisonment for a period not to exceed four (4) months, or by a period of probation not to exceed two (2) years, or by any combination thereof. Each day that a violation continues shall be considered a separate offense.

The above notwithstanding, violations of any provision of these Codes may be processed by the Zoning Inspector as a violation subject to a civil penalty as provided by A.R.S. §§ 11-866 and 11-815, and heard by a duly appointed hearing officer, pursuant to the written rules of procedure or such hearings, as approved by the Board of Supervisors. Any civil penalty imposed by the hearing officer shall not exceed the maximum fine for a Class 2 misdemeanor, which as of the date of this Resolution is seven hundred and fifty dollars (\$750), per violation. If an alleged violator is served with notice of a civil violation, he or she shall not be subject to a criminal charge arising from the same facts.

Section 6: The provisions of these Building Safety Codes shall not be construed to apply to the uses or occupations of land declared to be exempt pursuant to A.R.S Section 11-865.

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Section 7: This Resolution and the rules, regulations, provisions, requirements, orders, and matters established hereby shall take effect and be in full force 1 June, 2015.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 27th day of January, 2015.

Patrick Call, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe Rios
Clerk of the Board

Britt W. Hanson,
Chief Civil Deputy County Attorney